

The Georgia State Board of Physical Therapy met on **August 17, 2004** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- Sandra Eskew Capps, P.T., President
- Charlene D. Portee, P.T., Vice President
- Bernice B. Chaney, P.T.A.
- Anthony F. Ellis, P.T.
- Morris Friedman, Consumer Member
- Linda Lamb, P.T.
- Patricia H. Willis, P.T.

Others Present:

- Anita O. Martin, Executive Director
- Lea F. Williams, Applications Specialist/Board Secretary
- Geoff Aulds, PTAG Representative

President Eskew Capps established that a quorum was present, and called the Public Hearing to order at 9:15 A.M. No comments were received regarding the proposed rule amendments. The Public Hearing was adjourned at 9:20 A.M. and the Board meeting was called to order in **OPEN SESSION**.

Chapters 490-1-.01, Organization of Board. Amended., 490-1-.04, Meetings. Amended., 490-2-.01, Application for Licensure & Examination. Amended., 490-2-.05, Time of Examinations. Amended., 490-2-.06, Fees. Amended., and 490-2-.07, Examination Proctors. Amended.: Ms. Chaney motion, Mr. Ellis seconded, and the Board voted to **adopt** the proposed amendments to the rules as posted. (Attachment #1)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

June 15, 2004 Minutes: Ms. Chaney made a motion to **approve** the minutes as amended. The motion was seconded by Ms. Lamb and approved by the Board.

Roster of New Licensees: Ms. Portee made a motion to **approve** the roster of 69 newly licensed PT's, and the 25 newly licensed PTA's, issued June 8 through August 9, 2004. The motion was seconded by Ms. Willis and approved by the Board.

<i>License #</i>	<i>Name</i>	<i>License Type</i>	<i>Issue Date</i>
PT008070	Garner, Allison Len	Physical Therapist	6/9/2004 0:00
PT008071	Gunn, Crystal Chauntel	Physical Therapist	6/10/2004 0:00
PT008072	Gross, Amy Elizabeth	Physical Therapist	6/11/2004 0:00
PT008073	Gjerde, Pamela Elene	Physical Therapist	6/11/2004 0:00
PT008074	Franklin, Charlene E. Sproul	Physical Therapist	6/11/2004 0:00
PT008075	Piekarski, Brian Michael	Physical Therapist	6/14/2004 0:00
PT008076	Strickland, Dustin Lee	Physical Therapist	6/16/2004 0:00
PT008077	Gough, John-Michael Peterson	Physical Therapist	6/16/2004 0:00
PT008078	Gillis, Dana Schultz	Physical Therapist	6/16/2004 0:00
PT008079	Thomas, Teresa Suzanne	Physical Therapist	6/17/2004 0:00
PT008080	Batten, Sarah Melissa	Physical Therapist	6/17/2004 0:00
PT008081	Rich, Justin B.	Physical Therapist	6/17/2004 0:00
PT008082	Haws, Nancy Jo	Physical Therapist	6/18/2004 0:00
PT008083	Moore, Sandy Smith	Physical Therapist	6/18/2004 0:00
PT008084	Cooley, Kerry Anne	Physical Therapist	6/18/2004 0:00
PT008085	Etter, Denise Rae	Physical Therapist	6/18/2004 0:00
PT008086	Gibbs, Allison Noel	Physical Therapist	6/21/2004 0:00
PT008087	Greenfield, Nicole Lynn	Physical Therapist	6/21/2004 0:00
PT008088	Mayfield, Melissa Ann	Physical Therapist	6/24/2004 0:00
PT008089	Tamanini, Jeffrey Brian	Physical Therapist	6/24/2004 0:00
PT008090	Pender, Kathryn Ann	Physical Therapist	6/24/2004 0:00
PT008091	Johnson, Derek Thomas	Physical Therapist	6/24/2004 0:00
PT008092	French, Kimberly Jean	Physical Therapist	6/28/2004 0:00
PT008093	Midgett, Katharine Elaine	Physical Therapist	6/28/2004 0:00
PT008094	Montgomery, Leslie Hendley	Physical Therapist	6/28/2004 0:00
PT008095	Thomas, Kerrie Faith	Physical Therapist	6/28/2004 0:00
PT008096	Streat, Buffy Dawn	Physical Therapist	6/28/2004 0:00
PT008097	Maes, Kristel Virginia	Physical Therapist	6/28/2004 0:00
PT008098	Berry, Jaclyn Kay	Physical Therapist	6/28/2004 0:00
PT008099	Byars, Amy Carol	Physical Therapist	6/28/2004 0:00
PT008100	Peterson, John Frederick	Physical Therapist	6/28/2004 0:00
PT008101	Ryan, Edward Davis	Physical Therapist	6/28/2004 0:00
PT008102	Momah, David Nonyelum	Physical Therapist	6/28/2004 0:00
PT008103	Olokosu, Anita Oghenavo	Physical Therapist	6/28/2004 0:00
PT008104	Rogers, Elizabeth Scott	Physical Therapist	6/29/2004 0:00
PT008105	Kraushaar, Daniel John R.	Physical Therapist	6/29/2004 0:00
PT008106	Kell, Emily Christina	Physical Therapist	6/30/2004 0:00
PT008107	Vargas, Andrea	Physical Therapist	7/1/2004 0:00
PT008108	Kuntz, Alicia Elizabeth	Physical Therapist	7/2/2004 0:00
PT008109	McDonnell, Patricia Kay	Physical Therapist	7/7/2004 0:00
PT008110	Zike, Janice Elaine	Physical Therapist	7/7/2004 0:00
PT008111	Pierce, Margaret Marie	Physical Therapist	7/12/2004 0:00
PT008112	Eaby, Joel Andrew	Physical Therapist	7/12/2004 0:00
PT008113	Kanar, Andrea Helen	Physical Therapist	7/12/2004 0:00
PT008114	Buszta, Nicole Meredith	Physical Therapist	7/14/2004 0:00
PT008115	Bhagat, Jaina Hasmukh	Physical Therapist	7/15/2004 0:00
PT008116	Hoersch, Heather Marie	Physical Therapist	7/16/2004 0:00

PT008117	Finnigan, Summer Marie	Physical Therapist	7/26/2004 0:00
PT008118	Potter, Nicholas Daniel	Physical Therapist	7/26/2004 0:00
PT008119	Williams, Emily Ann	Physical Therapist	7/26/2004 0:00
PT008120	Jackson, DaRon L.	Physical Therapist	7/26/2004 0:00
PT008121	Cook, Margaret Ashton	Physical Therapist	7/26/2004 0:00
PT008122	Pyle, Alice Marie	Physical Therapist	7/26/2004 0:00
PT008123	King, Kesha Marquette	Physical Therapist	7/26/2004 0:00
PT008124	Turney, Nathan Eugene	Physical Therapist	7/27/2004 0:00
PT008125	Barth, Wayne Herbert	Physical Therapist	7/27/2004 0:00
PT008126	Hosp, Stacy Lynn	Physical Therapist	7/27/2004 0:00
PT008127	Bender, Patricia Eileen	Physical Therapist	7/27/2004 0:00
PT008128	Heldman, Carl L.	Physical Therapist	7/28/2004 0:00
PT008129	Holt, Amanda Lee	Physical Therapist	7/28/2004 0:00
PT008130	Sewak, Amandeep K.	Physical Therapist	7/29/2004 0:00
PT008131	Leo, Judy	Physical Therapist	7/29/2004 0:00
PT008132	Galloway, Morgan Alison	Physical Therapist	7/30/2004 0:00
PT008133	Flournoy, Kari Ericka	Physical Therapist	8/2/2004 0:00
PT008134	Corriea, Joseph Shane	Physical Therapist	8/2/2004 0:00
PT008135	Corn, Matthew	Physical Therapist	8/6/2004 0:00
PT008136	Buck, Kristi L.	Physical Therapist	8/9/2004 0:00
PT008137	Koerner, Christopher Robert	Physical Therapist	8/9/2004 0:00
PT008138	Werner, Haley Kim	Physical Therapist	8/9/2004 0:00

<i>License #</i>	<i>Name</i>	<i>License Type</i>	<i>Issue Date</i>
PTA002056	Ledet, Carolyn A.	Physical Therapist Assistant	6/10/2004 0:00
PTA002057	Murphy, Cheryl Louise	Physical Therapist Assistant	6/11/2004 0:00
PTA002058	Bradley, Tonya Leann	Physical Therapist Assistant	6/14/2004 0:00
PTA002059	Jacobs, Stacie Leigh	Physical Therapist Assistant	6/14/2004 0:00
PTA002060	Bloom, Ernest Randy	Physical Therapist Assistant	6/23/2004 0:00
PTA002061	Wood, Diane Jean	Physical Therapist Assistant	6/28/2004 0:00
PTA002062	Alex, Cindy Lyn	Physical Therapist Assistant	6/28/2004 0:00
PTA002063	Pruitt, Heather Denise	Physical Therapist Assistant	7/7/2004 0:00
PTA002064	Stinchcomb, Russell Rodney	Physical Therapist Assistant	7/12/2004 0:00
PTA002065	Morrison, Kendall Laurel	Physical Therapist Assistant	7/15/2004 0:00
PTA002066	Hession, Timothy Smith	Physical Therapist Assistant	7/15/2004 0:00
PTA002067	Barnette, Kristen Angel	Physical Therapist Assistant	7/16/2004 0:00
PTA002068	Edwards, Sarah Beth	Physical Therapist Assistant	7/26/2004 0:00
PTA002069	Fulghum, J. Kane	Physical Therapist Assistant	7/26/2004 0:00
PTA002070	Burgess, James Kent	Physical Therapist Assistant	7/26/2004 0:00
PTA002071	Keating, Rebecca Lynn	Physical Therapist Assistant	7/26/2004 0:00
PTA002072	Wilder-Turner, Tanya	Physical Therapist Assistant	7/27/2004 0:00
PTA002073	Caldwell, Donald	Physical Therapist Assistant	7/27/2004 0:00
PTA002074	Dawson, Brooke Lauren	Physical Therapist Assistant	7/30/2004 0:00
PTA002075	White, Lisa Carol	Physical Therapist Assistant	8/2/2004 0:00
PTA002076	Westmoreland, Kelly Leigh	Physical Therapist Assistant	8/2/2004 0:00
PTA002077	Davis, Christina Gail	Physical Therapist Assistant	8/4/2004 0:00
PTA002078	Over, Kellee Marie	Physical Therapist Assistant	8/4/2004 0:00
PTA002079	Staley, Angela Renee	Physical Therapist Assistant	8/6/2004 0:00
PTA002080	Cooley, Ashley Dawn	Physical Therapist Assistant	8/9/2004 0:00

2005 Draft Meeting Schedule: Mr. Friedman made a motion, Ms. Lamb seconded, and the Board voted to **approve** the meeting schedule as amended.

Advice from Mr. Renjel re: Traineeship Permits & Unsuccessful Exam Attempts: The Board viewed this item as informational.

E-mail from Mary Connell, P.T.: Mr. Ellis made a motion to **send** Ms. Connell the “No Legal Advice Letter”, and refer her to Rule 490-5-.01(2) and (3). The motion was seconded by Ms. Portee and approved by the Board.

E-mail from Mindy Ostrom: Ms. Chaney made a motion to **send** Ms. Ostrom the “No Legal Advice Letter”, and refer her to O.C.G.A. § 43-33-18(a)(1). Mr. Friedman seconded the motion and it was approved by the Board.

Advice from Mr. Renjel re: “Babies Can’t Wait” Program: The Board viewed this item as informational. The Board voted to advise practitioners that if they know of specific violations that have occurred, to report the information to the Board, as required by Rule 490-9-.02.

Memo from Legal Services re: Student Loan Default: Duane C. Minix, P.T.A.: Ms. Willis made a motion to suspend Duane C. Minix’s license to practice as a Physical Therapist Assistant, License # PTA001393, for failure to repay a student loan, and further move that this suspension will cease upon receipt by the Joint Secretary of a “Notice of Release” from the Georgia Higher Education Assistance Corporation. The motion was seconded by Ms. Lamb and approved by the Board.

Letter from Patricia Kinney, P.T. and Elizabeth Wark, P.T. re: Credit for Teaching an Ethics and Jurisprudence Course: Ms. Lamb made a motion to **advise** that all Continuing Competency must be obtained in compliance with Rule 490-4-.02. Ms. Willis seconded the motion and it was approved by the Board.

E-mail from Janet Becker re: PTA’s Screening Patients in Nursing Home: Ms. Portee made a motion, and Mr. Friedman seconded, and the Board voted to **send** Ms. Becker the “No Legal Advice Letter”, and **refer** her to Rule 490-5-.02 and the APTA Guide to Physical Therapy practice, which states that a P.T. cannot delegate screening.

E-mail from Laura Winburn re: Massage Therapists and Billing: Mr. Friedman made a motion to **notify** Ms. Winburn that massage therapy cannot be billed as physical therapy service unless the massage was provided by a licensed physical therapist. Ms. Willis seconded the motion and it was approved by the Board.

Letter from Eva S. Christian, P.T.A. re: Supervision: Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **advise** that supervision is required, and that Ms. Christian should cease and desist practice immediately if not under proper supervision, and refer her to Rule 490-5-.01(2) and (3).

E-mail submitted by Jodi Schulz of Health Educators of America, re: CE Programs: Ms. Lamb motioned, Mr. Ellis seconded, and the Board voted to **advise** Ms. Schulz that they may use the statement “All courses may meet the criteria of the Georgia State Board of Physical Therapy”, or not mention the Board at all.

Letter from Matt Twombly, P.T. re: Unlicensed Practice: Ms. Willis motioned, Mr. Friedman seconded, and the Board voted to **request** Mr. Twombly to respond to the question: Were you providing patient care outside of the fellowship program?, and if not, no further action required.

Rules Promulgation Process: The Board viewed this item as informational.

Authority/Advice from Mr. Renjel re: Rule 490-2-.02, Licensure Examination: Ms. Chaney motioned, Ms. Lamb seconded, and the Board **voted to post** the rule as amended.

Draft amendments to Rule 490-3-.02, Re-examination. Amended: The Board recommended that this matter be referred back to the Plan of Further Study Committee for additional review and revisions.

Draft amendments to Rule 490-2-.03, Board Action Upon Application for Registration, to be titled “Licensure: Foreign Educated Applicants”: Mr. Friedman motioned, Ms. Portee seconded, and the Board **voted to post** the rule as amended.

Draft amendments to Rule 490-2-.04, Training Permits: Mr. Ellis motion, Ms. Lamb seconded, and the Board **voted to post** the rule as amended.

Recommendation from Legal Services re: Draft amendment to Rule 490-2-.08, Practical & Oral Examinations: Ms. Chaney motioned, Ms. Portee seconded, and the Board **voted to post** the rule as amended.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General’s office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

Draft amendments to Rule 490-2-.09, Licensure: Endorsement: The Board **tabled** this item.

Mr. Friedman motioned, Ms. Chaney seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) to deliberate on applications. Voting in favor of the motion were those present who included Board members Eskew Capps, Ellis, Lamb, Willis, and Portee. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

Probation Report: The Board viewed this item as informational.

Plan of Further Study Submitted by PTA Applicant C.D.C: Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **deny** the plan submitted, and advise C.D.C. to submit the Examination Feedback Report from the FSBPT for the Board's consideration.

PTA Exam Application Submitted by R.J.H.: Mr. Ellis motioned, Ms. Lamb seconded, and the Board voted to **table** their decision until additional information was obtained from the applicant.

PT Endorsement Application Submitted by T.T.: Ms. Willis motioned, Ms. Portee seconded, and the Board voted to **approve** the application.

PTA Endorsement Application Submitted by E.M.R.: Ms. Chaney motioned, Mr. Ellis seconded, and the Board voted to **deny** the application.

PT Endorsement Application Submitted by J.A.K.: Ms. Lamb motioned, Ms. Willis seconded, and the Board voted to **approve** the application.

PT Reinstatement Application Submitted by C.D.H.: Mr. Friedman motioned, Ms. Chaney seconded, and the Board voted to **reinstate** the license in compliance with the Reinstatement Policy, and issue a strong letter of concern. The Board further voted to accept the signed and notarized copy of the consent order upon receipt in the Board office.

Traineeship Permit Application Submitted by PTA Reinstatement Applicant A.R.K.: Ms. Portee motioned, Ms. Willis seconded, and the Board voted to **approve** the permit.

Rule Waiver Request Submitted by PT Reinstatement Applicant M.A.W.: Mr. Ellis motioned, Ms. Lamb seconded, and the Board voted to **approve** the request to re-take the NPTE in lieu of the 1000 supervised hours.

PT Reinstatement Application Submitted by S.R.S.: Ms. Willis motion, Ms. Chaney seconded, and the Board voted to **reinstate** the license in compliance with the Reinstatement Policy. The Board further voted to accept the signed and notarized consent order upon receipt in the Board office.

Plan of Further Study Submitted by PT Applicant C.M.G.: Mr. Friedman motion, Ms. Lamb seconded, and the Board voted to **request** the applicant to submit a more detailed plan. Ms. Willis abstained from the vote.

Mr. Friedman moved, Ms. Portee seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-19(h)(2) to deliberate on disciplinary matters, and to receive information on enforcement, cognizant, and attorney general reports. Voting in favor of the motion were those present who included Board members Eskew Capps,

Chaney, Willis and Ellis. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

COGNIZANT REPORT:

#05-036

Ms. Chaney made a motion to accept the cognizant's recommendation to **schedule** an investigative interview. The motion was seconded by Mr. Ellis and approved by the Board.

EXECUTIVE DIRECTOR'S REPORT:

- Reported on the FSBPT New Board Administrators meeting.
- Reported that the NPTE contract had been signed.
- Requested that the Board reconsider using the FSBPT as the reporting agency to the HPDB-NPDB. ? *The Board will reconsider this request after the FSBPT Annual meeting.*
- Reported that any advice from the Board's attorney does not require a vote to accept or not accept.

ENFORCEMENT'S REPORT:

- **#04-016:** Ms. Portee moved, Mr. Friedman seconded, and the Board voted to **close** the case with the Cease and Desist Order signed by respondent Camille McIntosh-Gray. The Board requested that staff send letters of concern to the contract company and the facility regarding the hiring of unlicensed personnel, and to refer the case the Medicare.
- **#04-025:** Mr. Ellis moved, Ms. Willis seconded, and the Board voted to **close** the case, and **refer** it to the Chiropractic Board.
- **#04-027:** Ms. Portee moved, Ms. Chaney seconded, and the Board voted to **schedule** the respondent for an investigative interview.
- **#04-031:** Mr. Friedman moved, Ms. Lamb seconded, and the Board voted to **close** the case with the Cease and Desist Order, signed by respondent David Sanders.

OTHER BUSINESS:

PT Reinstatement Application Submitted by L.L.: Ms. Portee made a motion to **advise** L.L. that he must complete 1000 hours of supervised practice. The motion was seconded by Ms. Chaney and approved by the Board.

Request for a copy of the A.G.'s Memorandum re: Physician Owned Practices, submitted by Geoff Aulds: Ms. Chaney moved, Mr. Friedman seconded, and the Board voted to **approve** the request. Ms. Portee abstained from the vote, and Ms. Lamb was not present during the vote.

President Eskew-Capps discussed the APTA's request for comments concerning possible changes to Medicare legislation.

There being no further business to come before the Board, the meeting was adjourned at 3:30 P.M. on August 17, 2004.

Minutes prepared by: Lea Williams, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

Sandra Eskew Capps, P.T.
Board President

Mollie L. Fleeman
Division Director

490-1-.01 Organization of Board. Amended.

The Board of Physical Therapy is composed of eight members who are appointed by the Governor. Members of the public may obtain information from the Board and make submissions or requests to the Board by contacting the Joint Secretary of the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA 31217.

O.C.G.A. §§ 43-1-2, 43-1-3, 43-1-19, 43-1-24, 43-1-25, 43-33-5, and 50-18-70.

490-1-.04 Repealed.**490-2-.01 Application For Licensure And Examination. Amended.**

(1) A completed application for examination must be submitted and approved prior to taking the examination.

(2) Any physical therapist or physical therapist assistant who plans to practice as a physical therapist or physical therapist assistant in the State of Georgia must be licensed by the Board prior to beginning said practice.

(3) Any applicant who does not submit required documentation within one year of initial filing date will not be given further consideration by the Board until submission of new application and payment of appropriate fees.

(4) All applicants for licensure and examination are also subject to the provisions of O.C.G.A. §§43-1-19 and 43-33-18.

Authority O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-12, 43-33-13, 43-33-14, and 43-33-18

490-2-.05 Repealed.**490-2-.06 Fees. Amended.**

Fees are maintained by schedule and may be reviewed and changed at the discretion of the Board. Returned checks will be dealt with in accordance with Code Section [16-9-20](#) of the Criminal Code of Georgia. All fees shall be submitted with the application, request for other services or upon notification by the Board.

490-2-.07 Repealed.